FOR MYSORE STATE

Development (1950) Department.

MS. SERIES.

Passed

G.O. NO. 2438

Dated 19-6-1950

41

[Despatch Abstract.]

States – Ex-State of Sandur –
Extension of Land Customs Act 1924
(Central Act No. XIX of 1924) a[illegible]
of internal custom[illegible] duties – Orders
passed

D 11

Copy of letter R.C.No.5868/49 C.C. dated 2-6-1949 from the Collector, Bellary, to the Chief Secretary to Government, Fort St. George, Madras.

Sub:- States - Sandur State - Tolls and customs duties - Removal - Orders requested.

Ref:- C.No.165/49 B (S.O.) dated 14-5-49 from the Special Officer, Sandur.

In Sandur State, toll gates have been established at the following stations:-

1. Yeswantnagar.
2. Yeswantnagar Railway Station.
3. Taranagari.
4. Taranagari - Gowripur Road.

& 5. Venkatagiri.

2 In addition to collection of tolls, customs duties are also being collected on certain commodities exported from the state. These two taxes have impeded the development of trade in the State and the people are said to be very hopeful about the removal of the taxes by the present Government.

3 The receipts under these two heads during the last three years are shown below:-

Years.	Tolls.	Customs.
1946-47	Rs. 6,894-6-6	Rs. 14,942-9-3
1947-48	6,733-9-6	8,986-7-6
1948-49	5,190-2-6	9,517-4-9
Total	Rs. 18,818-2-6	33,446-5-6
Average	Rs. 6,273-0-0	11,149-0-0

4 Though the Government may incur a loss of Rs.18,000/- annually, I recommend that these two duties may be ordered to be removed in view of the fact that the tolls are undesirable even from an official point of view while the customs are an impediment to the progress of trade. I request early orders in the matter. The establishment connected with these two departments will be abolished on payment of suitable compensatio for their past service.

5 To make up the loss in revenue, I may suggest that the Madras General Sales Tax Act may be extended to Sandur, but this should be done after removing the above two taxes or else, the people will feel the pinch of heavier taxation under the present Government.

(True copy).

10 88 Xd Dr. 11-5-23

3 X

M.R.O. 2—47 Bks.—18-10-48.

5461 D1

CALL FOR RECORDS.

No. ~~2808~~ MADRAS RECORD OFFICE.

194

Urgent / Special

Date 10 7 48 Hours Minutes

From Dev D II

Records called for C. No. 71967 of 1948.

Department.	Number.	Date.	Subject.
P.I. send the f.os relating to the imposition of customs duties around the ex-Nabi of Sandur			

Endt.No.5461-D2/49-2. Madras Record Office,
Chittoor, 15th July 1949.

The indexes of the Revenue Department from 1900 to 1925, Finance(Separate Revenue) and Finance (Central subjects) from 1916 to 1925, Development indexes from

1920 to 1944, Finance indexes from 1920 to 1935, Political indexes from 1900 to 1935 ~~kx~~ and Public indexes from 1936 to 1944 have been carefully examined, but no papers relating to the imposition of customs duties around the ex-state of Sandur could be traced. The records subsequent to 1944 which are in the Central Record Branch may be examined to see if they contain any information on the subject.

Assistant Curator.

15-7-1949.

Telephone Clerk's Initials.

To

The Superintendent,
Development (D.II), Department.

BR.

Revenue file 18/7/49

Dev. Dept

Memo. No. 71967 D II/49-1, dl 18-7-49

States - Sandur State — customs duties - removal.

Ref:- From the Collector of Bellary letter ~~No~~. RC. No. 5868/49 C.C. dl 2-6-49

In his letter cited the Collector of Bellary has, ~~addition to the removal of tolls, has~~ recommended the removal of customs on the commodities exported from the Sandur State duties, stating that they are an impediment to the progress of trade. It is not clear from his letter cited whether the customs duties are ~~levied~~ collected by the State Govt. of Sandur or by the officials of the Indian union. The Collector

6

is requested to clarify this point.

HQ
18/7/49
8
18.7.49

Sr
18/7/49

To
The Collector of
Bellary.

Dpd.
KOR
22/7/49

N.R. 6-8-49

Issue HC 9/8/49 102/9/8

Dev Dept

Memo. No. 71967 D II/49-2 d/9-8-49.

States - Sandur State - Customs duties - Removal

Ref:- Govt. Memo. No. 71967 D II/49-1 d/18-7-49

PT. 1 & f

The Collector of Bellary is requested to state when a reply to the Memo. cited may be expected.

Dy 11/8

To the Collector of Bellary.

HC 6/8/49 6.8.49

Dy 9/8/49

N.R. 29-8-49

8

Dev. Dept.

Memo. No. 71967 D II/49-3 d/29-8-49

States - Saudur State - Customs duties - Removal.

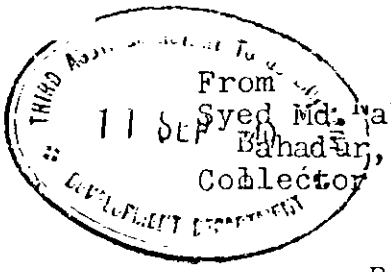
Ref:- Govt. Memo. No. 71967 D II/49-2 d/9-8-49

The Collector of Bellary is requested to state when a reply to the Memo. cited may be expected.

To
The Collector
of Bellary

N.R. 17-9-49

10



From
Syed Md. Jakhuda Sahib
Bahadur, M.A., B.L.,
Collector of Bellary.

To
The Secretary to Government,
Development Department,
Fort St., George,
M a d r a s.

92347
12-9-49

Ref. No.5868/49 S.1. dated 8-9-1949.

Sir,

Sub: States - Sandur State - Customs duties - Removal.
Ref: Government memorandum No. 71967 DII/49-3 dated
Development Department dated 29-8-49.

A reply to Government memo No.71967 DII/49-2 dated 9-8-49 was submitted in my reference No.5868/49 S.1. dated 19-8-49. A copy of it is herewith enclosed.

For Collector.

VK.10.9.
Enclosure: 1/49.

1 Copy of Ref.C.No.5868/49 S1 dated 19-8-49 from the Collector of Bellary to the Chief Secretary to Government, Fort St., George, Madras.

Sub: Tolls and customs - Sandur State - Abolition of.
Ref: Government memo No.71967 D.II/49-1 dated 18-7-1949 and
Government memo No.71967 DII/49-2 dated 9-8-1949.

The customs duties in Sandur are levied by the Government of Sandur and not the officials of the Indian Union. Hence their abolition was recommended. The tolls are levied under the Sandur Tolls Act, a copy of which has been submitted to Government with my Rc.2395/49 CC dated 15.6.49, in reply to Government memo No.21588-1E Local Administration department dated 8-6-1949 and their abolition is very desirable after merger. A copy of this office Ref. C.No.5868/49 CC dated 2-6-49 may kindly be sent as the same has been misplaced.

Sd.A.Suryarao Naidu,
For Collector.

Issue 1st 21/9/49 54-55/2349

Dev. Dept

Memo. No. 71967 D II/49-4 dt 21-9-49

States – Saudur State – Customs duties – Removal.

Ref:- From The Collector of Bellary No. 5868/49 S.1d/8-9-49.

P 9:f

The Collector of Bellary is requested to State whether ~~The presumption that~~ the customs duties in Saudur are levied under the Saudur Land Customs Act, 1942 ~~is applied~~ and if so, to forward a copy of the Act to the Govt. for reference ~~to Govt.~~

A. no. 5 sent.

Approved
Secy

To
The Collector of Bellary

20/9/49 20.9.49.

N.R. 9-10-49

2

27-29
14/10

Memo No. 71967 DII/49-5 dated 13-10-49

Sub: States - Saundur state: Customs duties - Removal.

Ref: Govt. Memo No. 71967 DII/49-4 dt 21-9-49

The Collector of Bellary is requested to state when a reply to the Memo cited may be expected.

12/10/49
12-10-49

Sd
15/10/49

P.L. Rome
13/10

Handwritten

The Collector Bellary
P. Hyderabad
[illegible]

(N.R 2910-49)

ASSISTANT SECRETARY
6555
28 OCT 1949
CHIEF SECRETARIAT

From

Sri. N.V.Sugavanam
Collector, Bellary.

To

The Chief Secretary to Government,
Fort.,St.,George, Madras.

R.C.No. 5868/49

dated 22-10-49.

THIRD ASST. SECRETARY
87 OCT 1949
DEVELOPMENT DEPARTMENT

Sir,

Sub:- States - Sandur State - Customs duties - Removal copy of Sandur Land customs Act - submitted.

Ref:- 1.Ref.Your memorandum No. 71967 D(II)/49 dated 21-9-49.
2.Your memorandum No. 71967 D(II)/49-5 dated 13-10-49.

***

The customs duties are levied in Sandur under the Sandur Land customs Act, 1942.

A copy of the Act (II) of 1942 is submitted as required in the reference cited.

pp 15-16 below.

Pub(Poll) Dept
6555/49.1
31.X.49

A.K. 24/10

For Collector

Public (Poll) dept.
development u.o.

106778

THE SANDUR LAND CUSTOMS ACT, 1942.

(No. 11 of 1942.)

An Act to consolidate and amend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside Sandur, passed by Shrimant Sarkar Maharaj Yeshwantrao Hindurao Ghorpade, Mamlakatmadar, Senapthai, Ruler of Sandur on the Thirtyfirst day of March one thousand nine hundred and fortytwo being the year two hundred and fourteen of the Hindurao Shaka.

PREAMBLE.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside Sandur;

WE are hereby pleased to enact as follows:-

SHORT TITLE EXTENT & COMMENCEMENT.

1 (1) This Act may be called "THE SANDUR LAND CUSTOMS ACT, 1942".

(2) It extends to the whole of Sandur State

(3) It shall come into force on such date as the Sandur Sarkar may by notification in the Sandur State Gazette prescribe.

DEFINITIONS.

2. In this Act, unless there is anything repugnant in the subject or context:-

(a) any reference to the passing or import or export of goods by land shall be deemed to include the passing or import or export of goods by any inland waterway constituting a foreign frontier or part of a foreign fronter;

(b) "Customs Authority" shall mean such officer as is appointed by the Sandur Sarkar from time to time to perform all or any of the duties prescribed under this Act;

(c) "dutiable goods" means any article on which a duty of land cust is leviable by virtue of a notification issued under Section 4;

(d) "Foreign frontier" means the frontier separating any foreign territory from any part of Sandur State;

(e) "Land Customs Area" means any areaadjoining a foreign frontier as may be specified by the Sandur Sarkar by a notification from time to time in the State Gazette and an officer appointed for such area shall be known as the "Land customs Officer".

3. The Customs Authority may, by notification in the Sandur State Gaz

ESTABLISHMENT OF LAND CUSTOMS STATION AND DETERMINATION OF ROUTES.

(a) establish land customs stations for levy of land customs in any land customs area;

(b) prescribe the routes by which alone goods or any class of goods specified in the notification may pass by land out of or into any foreign territory, or to or from any land customs station fr or to any foreign territory; and

(c) appoint Land Customs Officer for any land custom area.

DUTIES ON IMPORTS & EXPORTS BY LAND.

4. The Sandur Sarkar may from time to time, prescribe a tariff of duties leviable under this Act.

PERMIT FOR GOODS PASSING ACROSS THE FRONTIER.

5. (1) Every person desiring to pass any goods, whether dutiable goo or not, by land out of or into any foreign territory shall apply in writing to the Customs Authority, i such form as he may, by notification in the Sandur State Gaz prescribe, for a ... the passage of such goods.

(2) When the duty on such goods has been paid the customs Authority, or Land Customs Officer, shall grant a permit certifying that duty has been paid on such goods.

(3) Any Land Customs officer, duly empowered by the Customs Authority in this behalf, may require any person in charge of any goods which such officer has reason to believe to have been imported, or to be about to be exported by land from, or to, any foreign territory to produce the permit granted for such goods; and any such goods which are duitable and which are un-accompanied by a permit or do not correspond with the specification contained in the permit produced, shall be detained and shall be liable for confiscation.

Provided that nothing in this sub section shall apply to imported goods passing from a foreign frontier to a land customs station by a route prescribed in that behalf.

(4) The Customs Authority may, by a notification in the Sandur State Gazette, direct that the provisions of this section, or any specified thereof, shall not, in any land customs area specified in the notification apply in respect of goods of any class or value so specified.

6. A Land Customs Officer empowered in this behalf by the Customs Authority shall pass free of duty any goods imported or exported by land by any passenger, if he is satisfied that the goods are the passengers' personal baggage in actual use.

7. Any person who:-

PENALTIES. (a) in any case in which the permit referred to in section 5 is required, passes or attempts to pass any goods by land out of or into any foreign territory through any land customs station without such permit or,

(b) Conveys or attempts to convey to or from any foreign territory or to or from any land customs station any goods by a route other than the route, if any, prescribed for such passage under this Act, or

(c) aids in so passing or conveying any goods, or knowing that any goods have been so passed or conveyed, keeps or conceals such goods or permits or procures them to be kept or concealed.

shall be liable to a penalty not exceeding, where the goods are not duitable, fifty or where the goods or any of them are duitable one thousand rupees, and any duitable goods in respect of which the offence has been committed shall be liable to confiscation.

GOODS NOT TO BE PASSED ON CERTAIN DAYS OR AT CERTAIN TIMES.

8. No goods other than personal baggage shall be delivered or passed at any land customs station, except with the special permission of the customs Authority:-

(a) on any public holiday proclaimed as such by a notification issued by the Sandur Sarkar in the State Gazette, or

(b) on any day except between such hours as the customs Authority may by like notification appoint.

REPEAL. 9. All previous orders, Rules and Regulations having the force of law in this regard are hereby repealed.

/true copy/

8079
23/12

Rc.NO. 5868/49.S.2.

Collector,s office,Bellary
Dated 17.12.1949.

From
Sri N.V.Suguvanam,
Collector,Bellary.

To
The Chief Secretary to Government,
Development Department, Fort St.George,
Madras.

124850
28-12-49.

Sir,

Subject:- States--Sandur states--Customs duties--Removal--Orders--Solicited.

Ref:- 1. P.P. this office Rc.No. 5868/49.S.2. dated 22.10.1949.
2. Government Memorandum No. 71967/D.I-/49.5. dated 21.9.1949 and 12.10.1949.

I invite your attention to this office REFERENCE cited above and request that orders passed, if any, may be communicated to me.

for Collector. 21-12-49

v.r.r. 21.12.

21/12/49

146

Public (Political) department

development u.o. that department may be requested to send an interim reply to the collector of Bellary in the matter.

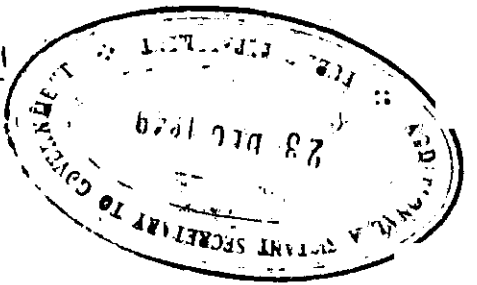
23/12/49

-Sd- Blair.

23/12/49

no. 8-079/49-1

23/12



8179

No.F.9(49)-Econ/49 Dated New Delhi, the 24th Dec., 1949.

From

The Deputy Secretary to the Government of India,
Ministry of States.

To

The Chief Secretary to the Government of Madras,
MADRAS.

Sir,

Subject :- Merged States - Levy of internal customs duties.

Ref :- Letter from the Secretary to Government of Madras, Development Department No.95039-D II/49,4 dated 23rd November, 1949.

I am directed to state that Sandur is now a district of Madras Province and as such the levy of customs duties on goods going out or coming into the territories of the district of a Province of the Indian Dominion will not be in order. I am, therefore, to suggest that steps may kindly be taken by the Government of Madras to abolish the customs duties levied in Sandur.

2. The action taken by the Madras Government may kindly be intimated to the Government of India in due course.

Yours faithfully,

G. Swaminathan

Deputy Secretary to the Government of India.

Pub(Poll)
8179/dcg-1
29/12/dcg.

125614
30-12-49.

Public (Political) department

Development u.o.

29/12/49.

THIRD ASST. SECRETARY TO GOVERNMENT
30 DEC 49
DEVELOPMENT DEPARTMENT

From

..C.Allardice Esq.,I.C.S.,
Collector, ellary.

To

The Chief Secretary to the Govt.
Fort.St.George,Madras.

c..o.5868/49.S2.dated 21.1.1950.

Sir,

Subject: States-Sandur State-Customs duties - removal - communication of orders - requested.

Reference: This Office c..o.5868/49.S2.dated 26.10.1949 in reply to Govt.'s o.No.71967/D.II/Devl.Dept. dated 21.9.1949.

SECRETARY TO GOVT. 425 24 JAN 1950 PUBLIC DEPARTMENT

oooOooo

I write your attention to this office reference cited above and request that orders as well,if any, may be communicated to me.

For Collector.

rs/23.1.

Public (Political) department.

development u.o. Next department may be requested to send an interim reply to the collector of Bellary, if necessary.

28/1/50 GVP 28/1/50.

31-1-50

8228
31-1-50

Pub(Poll)no
475/50-1
31-1-50

Development Department.

Letter No.71967-DII/49- 10 Dated. 11-2-50

To

The Secretary to the Govt. of India,
Ministry of States, New Delhi (with encls.)

Sir,

Sub: Merged States - Sandur - Levy of internal customs duties - Abolition of.
Ref: Mr.G.Swaminathan's letter No.F.G.(49)-E.Con/49, dated 24-12-49.

I am directed to state that the question regarding the abolition of the customs duties levied in the merged State of Sandur has been examined by this Govt. on the recommendation made by the Collector of Bellary. Customs duties are being levied in Sandur under Section 4 of the Sandur Land Customs Act, 1942 (copy enclosed). The question whether the Sandur Land Customs Act, 1942 and the Land Customs Act, 1924 (Central Act XIX of 1924) can be regarded as corresponding laws within the meaning of Section 5 of the Merged State (Laws) Act, 1949 (Central Act LIX of 1949) was considered. While the Land Customs Act, 1924, regulates the passage of goods only between India on the one hand and the rest of the world on the other, the Sandur (Land) Customs Act, 1942, regulates such passages even between Sandur and the rest of India. In view of this difference in the scope of the two Acts, it is considered that it may be difficult to regard them as corresponding laws within the meaning of Section 5 of the Merged States (Laws) Act, 1949 and that it will therefore be safer to specifically repeal the Sandur Land Customs Act, 1942. As the subject-matter of the Sandur Land Customs Act, however, falls within the scope of Entry 83 of List I - Union List of the Seventh Schedule to the Constitution of India, that Act can be repealed only by Parliament. I am therefore to request that the Government of India may take necessary steps to abolish the customs duties levied in Sandur (the merged State of) at an early date.

A reply on the action taken by the Government of

24

India on this reference may kindly be communicated to this Government as early as possible.

y.f.

24/1/50

24.1.50

Sd
27/1/50

Apo/14(3)2

Copy to the Collector of Bellary (w.r.t. his letter Rc. No.5868/49-CC d/ 2-6-49.) P 1 of

R.D. 28-2-50

(Revenue) Department. 25

development u.o.

Revenue Department.

From
E.C.Allardice Esq.,I.C.S.,
Collector,Bellary.

To
The Chief Secretary to Government,
Fort.St.George, M a d r a s.

Ref.C.No.1147/50.S.1. dated 1.2.1950.

11538 10-2-50

Sir,

Subject: S t a t e s - Sandur - Extension of Indian Tolls Act, 1857 and the Land Customs Act, 1924 - Repeal of Corresponding Acts-Abolition of Tolls and Customs-Orders - Requested.

Reference: Madras Act No.XXXV of 1949.
2.Govt.of India, Act No.LIX of 1949..

oooOooo

The Indian Tolls Act 1851 and the Land Customs Act 1924, have been duly extended to the merged state of Sandur with effect from 1.1.1950, by virtue of the Madras Merged States (Laws) Act, 1949, (Act No.XXXV) and Central Act No.LIX of 1949 dated 28.12.1949 respectively and the corresponding Acts in Sandur state are repealed by the above enactments.

Under Section 6 (2) of Act No.XXXV of 1949, a separate notification repealing the laws in force in the merged state appears to necessary to discontinue the operation of the existing laws from 1.1.1950. The Sandur Sarkar Vakil who was consulted is of the opinion that no such notification for the abolition of tolls and customs dutios is necessary and that the collection of tolls and customs in Sandur would be illegal, when the Madras Motor Vehicles Taxation Act and the Indian Tolls Act and the Customs Act, have been duly extended to Sandur by specific acts of legislatures.

In this connection, I invite attention to my Rc.No.5868/49.S1 dated 26.1949, the Government were addressed for orders to abolish the levy of tolls and customs in Sandur, but no orders have so far been received in the matter. I request telegraphic orders whether the collection of tolls and customs in Sandur may be stopped forthwith.

(3) Incidentally, it is submitted that with the abolition of tolls and customs in Sandur there will be no work for the establishment of the Tolls and Customs department in Sandur which comprises of the following staff:-

1)	Tolls and Customs Assistant.	1
2)	Tolls and Customs Clerk(Office)	1
3)	Toll gate clerks.	5
4)	Toll-gate watchman.	1
	Total:	8

I have already submitted proposals in my Rc.No.5363/49.S.1.dated 21.10.1949 addressed to the Board of Revenue, for the discharge of the above staff as there will be no suitable posts for them in view of their low qualifications etc., Out of the above staff, the first two are permanent servants of the State and they are also attending to the arrack sales in Sandur. The others are temporary and have to be discharged with a month's notice as per orders in G.O.Ms.No.855 Public Political Department dated 26.9.1949. Pending orders from Government for their discharge, I have instructed the Special Officer, Sandur, to issue the temporary staff a month's notice so that they may be discharged after one month, if the collection of tolls and customs is stopped. I request that my action in having issued instructions to the Special Officer,Sandur, to issue discharge notices to the staff may be ratified. The two permanent servants will have to be retired after issuing three month's notice. I request orders in this matter also.

As the matter is urgent, I request telegraphic orders on the above issues.

For Collector. 2-2-50.

hrs/2.2.

R.L.P.(I) 745/50-1

special

Draft I

Dev.Dept. (D.II)

Memo. No. 71967 D.II/49- 14 dated 27-2-50

Sub: STATES--Sandur--Extension of the Land Customs Act, 1924--Abolition of customs--Instructions Issued.

Ref: From the Collector of Bellary letter Rc.No.5868/49-C.C. dated 2-6-49.
From the Collector of Bellary letter No.C.1147/50-S.1 dated 1-2-50.

The attention of the Collector of Bellary is invited to this Dept. letter No. 71967 D.II/49-10 dated 11-2-50 addressed to the Govt. of India, Ministry of States, New Delhi (copy sent to him) and he is informed that no land customs should be levied in ~~respect of goods entering~~ the merged territory of Sandur with effect from 1-3-1950, pending the repeal of the Sandur Land Customs Act, 1942 by the Govt. of India.

2. As regards the collection of tolls and the discharge of the temporary staff, orders will issue separately in the L.A. and Revenue Depts. respectively.

17/2/50

17.2.50

To

The Collector of Bellary.
Copy to the L.A. and Rev. Dopts.

27/2

P-TO

28

Dev. Dept.

Lr. No. 71967 D.II/49- 15 dated 27-2-50

To

The Secy. to the Govt. of India,
Ministry of States, New Delhi.

Sir,

Sub: Merged States--Sandur--Levy of internal customs duties--Abolition of.

Ref: Correspondence ending with this Depts letter No.71967 D.II/49-10 d/ 11-2-50.

I am directed to state that this Govt. have issued instructions to the Collector of Bellary that no land customs should be levied with effect from 1-3-1950 in ~~respect of goods entering~~ the merged territory of Sandur, pending the repeal of the Sandur Land-Customs Act, 1942 by the Govt. of India. I am therefore to request that the repeal of the Sandur Land Customs Act by the Govt. of India asked for in this Dept. in letter cited may be given effect to from 1-3-1950.

Y.F.

Copy to the Collector of Bellary.

N.R. 1-4-50.

GOVERNMENT OF INDIA

MINISTRY OF STATES

44604 22-5-50

No.F.9(19)-Accn/49 Dated New Delhi, the 19 May, 1950.

From

The Deputy Secretary,
Government of India, Ministry of States.

THIRD ASST. SECRETARY TO THE GOVT. OF INDIA
21 MAY 1950

To

The Secretary,
Government of Madras,
Development Department, Madras.

Sir,

Merged States - Sandur - Internal Customs duties - Abolition of

I am directed to refer to your letter No. 71967-D.II/49-10 dated the 11th February, 1950, on the subject noted above, and to state that the Government of India are advised that the Sandur Land Customs Act, 1942, which was in force in the merged state of Sandur being an Act corresponding to the Land Customs Act, 1924, was repealed by section 5 of the Merged States (Laws) Act 1949. No specific action to repeal the Sandur Land Customs Act is, therefore, necessary.

Yours faithfully,

Deputy Secretary
to the Government of India.

Endt. No. 71967-D II/49-19 dt 13-6-50.

Copy communicated to the Collector of Bellary for information.

To the Collector of Bellary

D 11

L.A. Dept.

Tolls - Ex-state of Sandur - Abolition of.

From the Collector of Bellary, Rc.No.5868/49 CC dated 2-6-1949.

Please see the letter from the Collector of Bellary on p.1 c.f.

The Collector has recommended the abolition of tolls and customs duties in the Ex-Sandur State and the levy of General Sales Tax to make up the loss of income from the abolition of tolls and customs duties.

Consistant with the practice in this Province, tolls have been abolished in the Ex-states of Pudukottah and Banganapalle, with the extension of the M.M.V. T.Act, but in the case of the ex-Pudukottah State tolls were permitted to be levied till 1-4-49 when the M.M.V.T.Act was extended to the area. The same course may be followed in the case of the Ex-Sandur State also. The Home Deptt. may be requested to state when the M.M.V.T.Act, 1931, is proposed to be extended to the area. After getting ex the information from the Home Deptt. the Collector may be asked to continue the levy of tolls under the existing state laws till the M.M.V.T.Act is extended to the area.

A xxx

As regards the abolition of the Customs duties and the levy of General Sales Tax in the Ex-State, the file may be sent to the Dev. and Rev. Deptts. for taking relevant extracts from the file for necessary action.

xxxx

xxx
17/6/49

xxx
18/6/49 Home / Dev./ Rev.
Home Dept.

A on p.1 ante:

Orders have issued in G.O.No.2565, Home dated 24-6-49 directing the extension of the M.M.V.T.Act, 1931 to the State of Sandur with effect from 1-7-1949. May be passed on to Dev.

xxx
29/6/49 Dev.

TO AS

Dev. Dept.

Please see the notes from p 1 above. With ref. to S on p 1 above, necessary extracts have been taken for separate action on the question of abolishing the customs duties on goods exported from the Ex-State of Sandur. The file may now be passed on to the Revenue Dept.

71967
8-7-49

Sd. C J V.

Rev.

TO AS.

Please see the Endt. of the Curator, M.R.O. on pp 3-4 cf. With ref. to S on p 4 cf, it is submitted that the records subsequent to 1944 do not contain any information on the subject. In this connection, it is submitted that it is not clear ~~whether~~ from the Collector's letter at p 1 cf whether customs duties are levied by the State Govt. or by the Central Govt. in order to take up the matter with the Govt. of India, as "customs duties" is a Federal subject. This information may be obtained from the Collector of Bellary. Subject to orders, a draft Memo. is submitted for approval.

18/7/49

18.7.49

(Issued as Memo. No. 71967 D II/49-1 d/18-7-49)

From the Collector of Bellary No. 5868/49 S-1 d/8-9-49.

TO AS

With ref. to the Memo. on pp 5-6 cf, the Collector of Bellary states that the customs duties in Sandur are levied by the Govt. of Sandur

and not by the officials of the Indian union. Presumably, the duties are levied under the Sandur Land Customs Act, 1942. If the above presumption is correct, it appears necessary to repeal the Sandur Land Customs Act, 1942 to give effect to the proposal of the Collector of Bellary. In the circumstances, the Collector may be asked to state whether the presumption that the customs duties in Sandur are levied under the Sandur Land Custom Act, 1942 is correct and if so, to forward a ~~copy of the Act for~~ reference to Govt. Subject to orders, a draft Memo. is submitted for approval

20/9/49 20-9-49. 21/9/49

Issued as Memo. No. 71967 DII/49-4 dated 21-9-49

From the Collector of Bellary R.C. No. 5868/49 dated 22-10-49

To A.S.

The file deals with the question of repealing the Sandur land Customs Act, 1942 now in force in the Ex-Sandur State, which has since been merged with the Bellary District and has become a part of the Madras Province.

2. The Collector of Bellary has stated that customs duties are levied on certain commodities exported from the State under the Sandur Land Customs Act, 1942 and that this has impeded the development of trade in the State. He has also stated that as a result of the merger, the people expect that the duties will be removed by the present Govt. He has therefore recommended that the customs duties levied in the ex-Sandur State area may be ordered to be removed.

3. Submitted the customs duties in the ex-Sandur State can be removed only by repealing the Sandur Land Customs Act, 1942

4

~~Sandur Land Customs Act, 1942.~~ It is not clear whether this Govt. have got powers to repeal the Act or whether the Govt. of India should be addressed in the matter. It seems that the Govt. of India should be addressed as "Customs duties" is a Federal subject. The remarks of Public (Political) and Legal may be invited.

12-11-49

12/11/49

Pub (Pol) / Legal

Public (Political) Department. Secy. No. 7196 DH/49-6

Notes of development from xx on p.3 ante may be perused. Legal may see for remarks in the first instance.

14-11-49

7666
15 NOV 1949
CHIEF SECRET

15/11/49

16/11/49

18/11/49

Pub (Pol) u.o. 7066/49-
19/11/49

Legal

Legal Department

The subject-matter of the Sandur Land Customs Act, 1942, will fall within the scope of Entry 44 of the Federal Legislative List, viz., 'Duties of customs including export duties'. That Act, can, therefore, be repealed by the Dominion Legislature only. The Government of India may be addressed in the matter.

15188
19 NOV 1949
ASSISTANT SECRETARY
LEGAL DEPARTMENT

24.11.49

24/11/49

Legal u.o. No 15188/49
25/11/49

25/11/49

Dear

Secy. No. 11676 DH/49-6
30-12-49

28 NOV 1949
ASST. SECRETARY TO GOVERNMENT
DEVELOPMENT DEPARTMENT

E

To A.S.

Notes of this Deptt, Pub(Pol) and Legal from the middle of p 3-4 above may be perused Legal states that the Dominion Legislature only can repeal the Sandur Land Customs Act, 1942. As suggested by Legal, the Govt of India may be addressed. Subject to orders a draft letter to the Ruling States is submitted for approval.

Home and Pub(Pol) may see before issue

128807 10/12/49

8.12.49

9.12.49

Home / Pub(Pol).

ASSISTANT SECRETARY TO GOVERNMENT
10 DEC 1949
HOME DEPARTMENT

Dev U.O. No. 7796 D II/49-7
10.12.49

Home Dept.

ascertained from Development: The file has been sent to this Department for perusal of the draft letter addressed to the Govt of India. ~~After perusal may be passed on to the Public (Political) Department~~

(128807-0/49) aa 13/12/49

The portion marked X in the Deptt requires revision. As the Legal Dept have since held that tolls cannot be deemed to have been abolished in the merged area of Sandur merely because of the extension of the MMVT Act, 1931. ~~that~~ The LA Dept can take separate action to abolish tolls in the merged area of Sandur. The file may be passed on to Public (Pol.) through LA who may see.

LEGAL ADMINISTRATION DEPARTMENT
54317
13 DEC 1949
SECRET

PJ 13/12/49 LA / Pub(Pol).

Home U.O. 128807-0/49-1
13-12-49
13/12/49

4°

L.A.D.
(E)

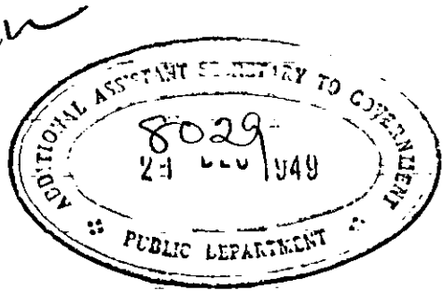
Please see the Home Deptt. note at p6 above. As stated by that Deptt. Legal have held that the mere extension of the M.M.V.T. Act, 1931 to the merged State of Sandur will not automatically make the levy of tolls in that area illegal or will make the corresponding State Act (Sandur ~~State~~ Tolls Act) ~~ineffective~~ inoperative. They ~~connected file has been sent~~ have advised that the Indian Tolls Act, 1851 and the Madras Tolls and Motor Vehicles Taxation (Amendment) Act, 1938 may also be extended to Sandur which will repeal the corresponding State Acts. A

The connected file has been sent to Legal with L.Ans. 1962-E of 3.12.49 for taking further action with reference to their suggestion. ~~In the circumstances the portion marked X in the accompanying draft may be suitable alterations~~ We have drawn their attention to certain minor ~~in the draft~~ at 3 para 1 of their draft. This may be passed on to Pub (Pol)

17/12/49

Pub (Pol) 19/12

L.Ans 54317-E
20.12.49



Public (Political) department.

The notes of Legal, Home and L.A on p.p 4-7 above and the draft may be perused. In the circumstances explained therein, the draft letter to India put up by development needs revision in respect of the portion marked 'X' therein. S

With the above remarks, the file may be returned to Development.

Does the recent legislation by the Govt of the Joint repeal the Customs or the Tolls Act of Sandur?

2/1/49 23/12/49

26/12/49

A.S.'s querry on p.7 ante.

It is observed from the Schedule appended to the Draft Central Bill for the extension of the more important Central Acts, Regulations etc: to the merged States that 'The Land Customs Act, 1924 (XIX of 1924) has been included therein and would come into force on and from 1-1-1950. If the Sandu Land Customs Act (No. II of 1942) corresponds to the Central Act referred to, it automatically gets repealed. If so, no separate action to repeal the State Act is called for. Development may be requested to examine this point.

(cf. clause 5 of the Bill on ff. 2-3 ante)

125652

30-12-49

THIRD ASST. SECRETARY TO GOVERNMENT
18 DEC 1949
DEVELOPMENT DEPARTMENT

To AS

Please see the notes from the middle of p 5 above and the letter since received from the Govt. of India on p. 19 ante. With ref. to A above, it is submitted that the provisions of the Sandur Land Customs Act (No II of 1942) correspond to the various provisions in the Land Customs Act, 1924 (Central Act XIX of 1924) and that, as stated by Public, no separate action to repeal the Sandur Land Customs Act seems necessary in view of clause 5(b) of the Bill. The file may however be sent to Legal for remarks.

(A revised draft letter to the Govt. of India will be submitted after the return of this file from Legal on the suggestion on p 7 above will be taken on receipt of the file from Legal).

ASSISTANT SECRETARY
151
5-JAN 1950
DEVELOPMENT DEPARTMENT

4/1/50

4-1-50.

Legal
4/1/50

Dev

No. 71967 D II/49-8

4-1-1950

Legal Department

This department may agree with the view expressed by Development at 'M' on p.8 ante.

12.1.50

J.S

While the Land Customs Act, 1924, (Central Act XIX of 1924), regulates the passage of goods only between India on the one hand and the rest of the world on the other, the Sandur Land Customs Act, 1942, regulates such passage even between Sandur and the rest of India. In view of this difference in the scope of the two Acts it seems difficult to regard them as corresponding laws within the meaning of section 5 of the Merged States (Laws) Act, 1949. It will therefore be safer to specifically repeal the Sandur Land Customs Act.

18/1/50

I agree with the view

18/1/50

I Dev. Dept.

5486

Development Dept. Legal w.o.No. 151/50 19.1.50.

18.1.50

To A.S.

Notes from XX/p.3 above may be perused. As the L.A. Dept. are taking separate action regarding the abolition of tolls on Sandur and as the Government of India have, in their letter on p.19 c.f., suggested the abolition of custom duties only in Sandur, it does not appear necessary to make any reference to tolls in the letter to be sent to the Government of India. The reference may be restricted to the abolition of customs duties only. Subject to orders, a revised draft letter to the Government of India is submitted below for approval. Legal and Public (Political) may see before issue.

THIRD ASSISTANT SECRETARY 18 JAN 1950 DEVELOPMENT DEPARTMENT

ASSISTANT SECRETARY 135 28 JAN 1950 LEGAL DEPARTMENT

24.1.50

25.1.50

25/1/50

Legal / Pub(Pol)

Dev w.o.No. 7146 IDII/1

5-1

Legal Department

Seen in Legal. The alterations indicated in red ink on the draft letter may be made.

2-2-50

Legal no IVO 1357/50-I
2/2/50.

Public (Pol-I)

The draft orders may be issued. Thus file set up to Hon.

4.2.50

Pollus: 7066/49-3
4-2-1950

10161
6.2.50.

THIRD ASST. SECRETARY TO GOVERNMENT
8 FEB 1950
DEVELOPMENT DEPARTMENT

To AS

Dev. Dept

(SUMMARISING NOTE)

The file deals with the question regarding the abolition of customs duties levied in the merged state of Sandur under section 4 of the Sandur Land Customs Act, 1942. In June, 1949, the Collector of Bellary reported that customs duties are levied on certain commodities exported from the State under the Sandur land customs Act 1942 and that this has impeded the development of trade in the state . He also stated that, as a result of the merger, the people expected that customs duties would be removed by the present Govt. He therefore recommended that the customs duties levied in the ex-Sandur State area might be ordered to be removed. While the question was under examination in this Department in consultation with the Legal Department., the Government of India have also advised this Government to take early steps for the abolition of customs duties in Sandur. The Legal Department has stated that customs duties in the Ex-Sandur State can be removed by repealing the Sandur Land Customs Act, 1942 and that the Act can be repealed

by the Dominion Legislature only. It is therefore proposed to address the Govt. of India accordingly. For orders ~~whether~~ whether the draft letter to the Govt. of India, as amended by Legal, may issue. H.M (S&L) may also see

8/2/50
8.2.50

8/2/50 9.2.50

Yes Ai
Meanwhile we can direct the executive under what customs revenue should be collected. Also I have my doubts whether the Saurashtra Regulation act is alive now after the merger & the Constitution act making all the Laws applying in India applicable to merged States

H.M (S&L) 9/2

Issued
P 23 2 52

SECRETARY TO GOVERNMENT
11 FEB 1950
DEVELOPMENT DEPARTMENT

To A.S.

The file may be circulated to H.M (Ind) for perusal of the minutes of H.M (S&L) above. Legal may see

13/2/50
13.2.52

8/2/50 14.2.50

Legal

ASSISTANT SECRETARY
2436
14 FEB 1952
2.50 P.M.
DEVELOPMENT DEPARTMENT

14-2-50.

Legal Department.

There is no legal objection to the issue of executive instructions on the lines indicated by H.M. (E.& L.) in his minutes on the previous page. But as regards the point raised at A in those minutes, it is respectfully submitted that there is no provision in the Constitution which can be said to repeal the Sandur Land Customs Act, 1942. It was section 5 of the Merged States (Laws) Act, 1949 (Central Act LIX of 1949), which had the effect of repealing some of the laws in force in Sandur and the other merged States prior to ~~their merger~~ 1-1-1950. But the applicability of that section to the Sandur Land Customs Act was doubted by this Department in the previous note on page 8 ante and that was the reason why this Department advised the specific repeal of that Act.

Executive instrns may be issued that no land customs should be levied in respect of goods entering the merged territory of Sandur. But it is desirable specifically to repeal the Sandur Land Customs Act. The repeal may be given retrospective effect as from the date on which executive instructions as above take effect.

16/2/50 17/2/50

Legal opn no 2486/50 E 17/2/50

13714 17-2-50

Dev. Dept

Development Department.

To A.B.

Please see the notes of the Legal Dept. above, and the letter since received from the Collector of Bellary at p.25 c.f.a

With ref. to the minutes of H.M. (E.&L.) on p.10 above Legal have stated that executive instructions can be issued to the Collector of Bellary directing that no land customs should be levied in respect of goods entering the merged territory of Sandur, and that the repeal of the Sandur Land Customs Acts should be given retrospective effect as from the date on which the executive instructions issued by this Govt. will take

12

effect. Submitted that the repeal of the Sandur Land Customs Act has to be done by the Govt. of India. In order to enable the Govt. of India to give retrospective effect to the repeal from a specified date, it is for orders whether the Collector of Bellary may be asked to stop collection of land customs from a specified date i.e. from 1-3-1950. The Govt. of India may also be asked to give x retrospective effect to the repeal of the Sandur Land Customs Act with effect from 1-3-50.

P 15-16 Cf.

Subject to orders, a draft Memo. and a draft letter are submitted for approval.

19.2.50

3. As regards the suspension of the collection of tolls, it is understood that the L.A. Dept. is taking necessary action.

4. It is also ascertained that the letter referred to at 'C' on p.25 c.f. has been received by Revenue and that necessary action is being taken by that Dept.

5. The file may be sent to L.A. and Revenue for perusal and for taking extract from the Collector's letter at p.25 c.f. as necessary before circulation.

17/2/50

17-2-50

18/2/50

LA / Rev

Dis no. 7196 TD II/49-12

19-2-50.

L.A. Deptt.

This Deptt. last noted on p6 above. The connected file referred to at the x in the above note above has been sent to Legal / Home / Rev / Rev with LA no. 19462/48-B1 dt 18.1.50. with a draft memo to the Coll of Bellary It is proposed to inform the Collr in the draft that by the passing of the Madras Merged States (Laws) Act, 1949 under which the M.M.V.T. Act 1931 and the Indian Tolls Act 1851

with some modification

have been extended to the merged States/the Sandur Tolls Act under which tolls have been collected stands repealed. It is informally understood from Home that the file is being passed on to Dev wi/n Home sep. no. 10760/Tr III dt 20.2.50. Dev may be requested to treat that case as special and return it with their remarks if any, through Rev. This may be passed on to Rev through Dev. Relevant extracts from this file will be taken before sending it to Dev.

A

B

p 25 c/f

Dev/Rev

20.2.50.

To A.S.

Dev. Dept.

Please see the notes of the L.A Dept. at pp 12-13 above. That Dept. file referred to at A above has not yet been received in this Dept. Necessary action will be taken on that file as and when it is received here. This may now be sent to Revenue.

20/2/50

20.2.50

LA no 7339/50-E

C No. 14328 Bii/50

20 FEB 1950

Dev u.o. 7196 TD III/49-13

21-2-50.

21/2/50 Rev

Rev. Dept

To A.S

The file has been sent to this dept with reference to para 4 of Dev. dept notes on p 12 ante. The Bellary Collr's letter referred to at at c on p 25 c/f has since been received through the Bd. of Rev and is separately under consideration in this dept. The extracts of para 3 of Collr's letter at p 25 may be taken and kept in the

A

Extracts taken 23/2/50

23.2.50

14 D/24/V 15507

dept to file for further action. ... The file may be returned to Dev. dept. ... Pm 23.2.50 ... 23/2/50 ... Dev ... Dy S.

Rev
111946/50-1

A.S.

The file deals with the proposal to abolish the customs duties levied in the merged state of Sandur under Section 4 of the Sandur Land Customs Act 1942. It was considered that that the Customs duties in the state can be removed by repealing the Sandur Land Customs Act, 1942, and that the Act should be repealed only by the Parliament. The Govt. of India have already been addressed to take necessary action. In the meantime H.M.(E.&L.) wanted executive orders to be issued that Customs need not be collected pending repeal of the Act in the Parliament. The Legal Dept. have stated that there is no objection to executive instructions being issued against the levy of customs duty and that the repeal of the Act may be given retrospective effect as from the date on which executive instructions take effect. It is therefore proposed to issue instructions to the Collector of Bellary not to levy land customs in ~~respect of goods entering~~ the merged territory of Sandur with effect from 1-3-1950 pending repeal of the Sandur Land Customs Act 1942, and to address the Govt. of India to repeal the Act with retrospective effect from 1-3-1950. Drafts to the Collector of Bellary and to the Govt. of India may issue after circulation to H.M.(Ind.) and H.M.(E.&L.)

23.2.50

SECRETARIAT TO GOVERNMENT
28 FEB 1950
DEVELOPMENT DEPARTMENT

PP 23-24 of Bellary Agreement

24/2/50 24/2/50 24.2.50 HM (Ind) 25/2 HM (E&L)

E

P 27 cf (issued as Memo. No. 71967 D II/49-14 d/27-2-50)
P - 6 cf (Issued as Lr. No. 71967 D II/49-15 d/27-2-50)
from the Govt. of ~~Hyderabad~~,
P 29 cf States No. F. 9(49) - Econ/149 d/19-5-50

AS

With reference to the letters at pp 23-24 cf and p 28 cf, the Govt of India have stated that the Saudur Land Customs Act, 1942 which was in force in the merged State of Saudur being an Act corresponding to the Land Customs Act, 1924 was repealed by Section 5 of the Merged States (Laws) Act 1949 and that no specific action to repeal the Saudur Land Customs Act is, therefore, necessary. As the Collector of Bellary was already informed that Land customs should be levied in the merged territory of Saudur with effect from 1-3-1950, no further action seems necessary in this file. A copy of the letter at p 29 cf may however be communicated to the Collector of Bellary for information. A draft Endth. on p 29 cf is submitted for approval

L.A. and Legal may see before circulation.

29/5/50.

Legal
24/5/50

Dev u.o. 71967 D II/49-18
26-5-50.

L.A. Dept (E)

This dept last noted at pages 12-13 above
Orders on this dept file referred to at p 12 ante have been issued in Memo No 19462/49-10E dated 7-3-50 (copy communicated to Secy) This may be passed on

Legal
26.5.50

Rt J 6946 (F)/32 cf
Dt 25-3-50
LA u.o 21600 dt 26-5-50
Ltr 26/5/50

Legal dept.

Secr. in Legal

KR
29/5/50

Dept

Legal no M
8223/501
29/5/50

47384
30-5-50

To AS

Dev. Dept.

Subsequent to the merger of Sandur State with the State of Madras, the Collector of Bellary reported that customs dutiesare levied on certain commodities exported from ~~thexSta~~ Sandur under the Sandur Land Customs Act, 1942 and that this had impeded the development of trade in the state. As the people also expected that customs duties would be removed as a result of the merger, the Collector recommended that the customs duties levied in the ex-Sandur area might be ordered to be removed. ~~kxxrapax~~ As it was considered that the customs duties in the State could be removed by repealing the Sandur Land Customs Act and that the Act should be repealed only by the Parliament, this Govt. addressed the Govt. of India to take necessary action in the matter. As it was suggested that executive instructions can be issued against the levy of customs duties pending the repeal of the Act by the Govt. of India, this Govt. instructed the Collector of Bellary not to levy land customs in the merged territory of Sandur with effect from 1--3--50. They have also addressed the Govt. of India to ~~g~~ repeal the Act with retrospective effect from 1--3--50. The Govt. of India state that the Sandur Land Customs Act, 1942 which was in force in the merged State of Sandur being an Act corresponding to the Land Customs Act, 1924 was repealed by section 5 of the Merged States (Laws) Act, 1940 and consider that no specific action to repeal the Sandur Land Customs Act is necessary. It is proposed to communicate a copy of the

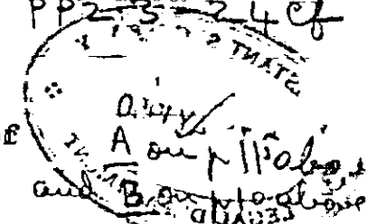
2 on p 1 cf

pp 15-16 cf

5 on p 1 cf

M on p 4 above

pp 2-3-24 cf



P 27 cf

P 2 cf

P 29 cf

not pursued up

X Bom p 290 (2)

C No. 71967 D II/49. 17

15/6/50

Govt. of India letter at p 29cf to the Collector of Bellary for information. For orders whether the draft Endt. on p 29cf may now issue. Hn (L.R) may also see

HM 3/6/50. his 5/6/50.

S 6/6/50

6.6.50

Hn (Genl) 7/6

HM 7/6 Hn (S&L)

Hn (L.R)

Hn 12/6

SECRETARY TO GOVERNMENT 12 JUN 1950 DEVELOPMENT DEPARTMENT

To AS.

The Endt. on p 29cf has been issued. The papers may now be recorded.

HM 16/6/50.

S 6/6/50

G.O.Ms. No. 2438 Dev d/ 19-6-50

Sales - Ex-State of Sandur - Extension of Land Customs Act, 1924 (Central Act No. XIX of 1924) and abolition of internal customs duties - Orders passed.

HM 16/6/50 his 19/6/50